Using This Form

1. Attachments – as appropriate, copies of the following document(s) should be attached to this form:

    a. Complaint – ACCEPTANCE OF SERVICE OF PROCESS AND WAIVER OF FUTURE SERVICE OF PROCESS AND NOTICE, Form CC-1406.

    b. ACCEPTANCE OF SERVICE OF PROCESS AND WAIVER OF FUTURE SERVICE OF PROCESS AND NOTICE, Form CC-1406.

    c. Other document(s), if applicable.

2. Preparation details

    a. This form may be used by a plaintiff in any action pending in circuit court to notify a defendant of the commencement of the action and request that the defendant waive service of process. With certain exceptions listed in Virginia Code § 8.01-286.1, a defendant who receives actual notice of an action in the manner provided in that section has a duty to avoid any unnecessary costs of serving process.

    b. This form may be prepared by a plaintiff in an action pending in circuit court or by the plaintiff's attorney.

    c. The plaintiff or attorney must provide the defendant with an extra copy of the notice and request, as well as a prepaid means of compliance in writing. Form CC-1406, ACCEPTANCE/WAIVER OF SERVICE OF PROCESS AND WAIVER OF FUTURE SERVICE OF PROCESS AND NOTICE, may be sent with this form to the defendant.

NOTICE OF COMMENCEMENT OF ACTION AND
REQUEST FOR WAIVER OF SERVICE OF PROCESS

Case No. ....**1**...............................

COMMONWEALTH OF VIRGINIA   VA. CODE § 8.01-286.1

....**2**..

[ ] Circuit Court
[ ] General District Court

................................**3**................................   v.   ....**4**................................
PLAINTIFF   DEFENDANT

I, the undersigned [ ] plaintiff [ ] attorney for plaintiff hereby notify the [ ] defendant [ ] ....**7**...........

5   **6**

in the above-styled suit of the following:

1.   An action in the above court has been commenced.

2.   A copy of the following document(s) accompanies this Notice of Commencement of Action and Request for Service of Process:

[ ] Complaint filed on ....**9**...........................
DATE

8

[ ] Other – Describe: .... filed on ....**9**...........
DATE

3.   An extra copy of this Notice of Commencement of Action and Request for Waiver of Service of Process and a prepaid

means of compliance in writing is enclosed herein and sent on this date ....**10**...........................
DATE SENT

by the following means: ....**11**...........................

NOTICE OF CONSEQUENCES OF COMPLIANCE AND FAILURE TO COMPLY WITH THIS REQUEST PURSUANT TO VIRGINIA CODE § 8.01-286.1 BY THE PLAINTIFF FOR WAIVER OF SERVICE OF PROCESS BY THE DEFENDANT:

1.   The defendant is allowed no more than 30 days from the date on which the request is sent, or 60 days if the defendant's address is outside the Commonwealth, to return the waiver.

2.   Upon failure by the defendant to comply with this request for waiver made by the plaintiff, the court shall impose the costs subsequently incurred in effecting service on the defendant, unless the defendant shows good cause for the failure to comply. These costs shall include, in addition to the costs for effecting service of process, other costs, including reasonable attorneys' fees, of any motion required to collect the costs of service.

3.   Upon timely return of the requested waiver of service of process, the defendant is not required to serve an answer or other responsive pleading to the complaint or other initial pleading until 60 days after the date on which this request for waiver of service was sent, or 90 days after that date if the defendant's address is outside the Commonwealth of Virginia.

4.   The defendant's waiver of service of process in compliance with this request does not thereby waive any objection to the venue or to the jurisdiction of the court over the person of that defendant, or to any other defense or objection other than objections based on inadequacy of process or service of process.

...........................**12**...........................   _____**13**_____
DATE   [ ] PLAINTIFF   [ ] ATTORNEY

...........................**14**...........................
PRINT NAME

...........................**15**...........................
ADDRESS/TELEPHONE NUMBER OF SIGNATOR

FORM CC-1433 MASTER 07/11

Data Elements

1. Court case number.

2. Name of court.

3. Name of plaintiff.

4. Name of defendant.

5. Check appropriate box.

6. Check box if notice is being sent to the defendant.

7. Check box if notice is being sent to other than the defendant and enter name.

8. Check appropriate box to indicate document(s) accompanying this form.

9. Enter date on which document(s) filed.

10. Enter date this form with required enclosures sent.

11. Enter by what method the documents have been sent.

12. Enter date this form signed.

13. Signature of person completing this form. Check box to indicate plaintiff or plaintiff's attorney.

14. Print name of person whose signature appears in Data Element No. 13.

15. Enter address and telephone number of person signing document.